

OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 01-02

February 1, 2001

TO: All Regional Directors, Officers-in-Charge, and Resident Officers**FROM:** Leonard R. Page, General Counsel**SUBJECT:** Casehandling in light of *Fleming Cos.*, 332 NLRB No. 99 (October 31, 2000)

In several cases over the past few years, the Division of Advice has authorized Regions to argue that the Board should reconsider and overrule its decision in *Anheuser-Busch*, 237 NLRB 982 (1978), that a party to a collective bargaining relationship has no obligation to disclose witness statements relevant to a potential grievance. See, e.g., *Ormet Aluminum Mill Products Corp.*, Case 8-CA-29061, Advice Memorandum dated September 5, 1997. In *Fleming Cos.*, 332 NLRB No. 99 (October 31, 2000), the Board declined to overrule *Anheuser-Busch*. See *id.*, slip op at 2, n.7, and slip op. at 5. Accordingly, in resolving charges and litigating pending complaints that implicate a party's obligation to disclose witness statements, the Regions should rely on extant Board law and should not rely on arguments inconsistent with *Anheuser-Busch*.

If you have any questions regarding this matter, consult with the Division of Advice. GC Memorandum 99-10 is modified to remove this issue as a mandatory submission.

/s/
L. R. P.

cc: NLRBU

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